

IFW: *[Signature]*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward L. Gibbs)
Serial No.: 10/764,788) Art Unit: 3679
Filed: January 26, 2004)
For: CABLE FENCE SYSTEM)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR ACCEPTANCE OF UNINTENTIONALLY
DELAYED LATE CLAIM OF PRIORITY

Pursuant to 37 C.F.R. § 1.78(a)(3), the Applicant requests that the Office accept the following amendment to his claim of priority, set out on page 1 of his application under "Cross-Reference to Related Applications":

This application claims priority on the basis of the filing dates of copending provisional U.S. Patent Application Serial No. 60/509,026, filed October 6, 2003, and is a continuation-in-part of nonprovisional U.S. Patent Application Serial No. 10/306,125, filed November 27, 2002, ~~the latter of which~~ in turn claims priority on the basis of provisional U.S. Patent Application Serial No. 60/370,372, filed April 5, 2002. The disclosures of these applications are incorporated by reference in their entirety.

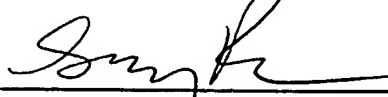
05/26/2005 AWONDAF1 00000031 10764788

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1370.00 DP

The entire delay between the date the claim was due and the date this claim is being filed was unintentional. The Applicant intended to claim such priority in the application as filed, and in fact set out a priority claim to application Serial No. 10/306,125 in the cross-reference to related applications as originally filed. However, there was an inadvertent failure to specify the relationship between application Serial No. 10/306,125 and the instant application. This has been done in the requested amendment. The required fee is submitted herewith.

Respectfully submitted,



Gary Peterson, Reg. 28,891
101 N. Robinson Ave., Suite 1300
Oklahoma City, OK 73102
(405) 239-6444

Attorney for Applicant



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

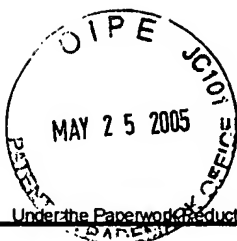
Applicant:	Edward L. Gibbs)	
Serial No.:	10/764,788)	Art Unit: 3679
Filed:	January 26, 2004)	
For:	CABLE FENCE SYSTEM)	

CERTIFICATE OF MAILING

I certify that I deposited the attached with the United States Postal Service, with sufficient first class postage, addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 21, 2005

Gary Peterson, Reg. 28,891
101 N. Robinson Ave., Suite 1300
Oklahoma City, Oklahoma 73102
(405) 239-6444

Attorney for Applicants



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/764,788
	Filing Date	January 26, 2004
	First Named Inventor	Edward L. Gibbs
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	016

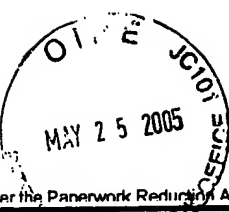
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): return postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name			
Signature			
Printed name	Gary Peterson		
Date	5/21/05	Reg. No.	28891

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Gary Peterson	Date	5/21/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1370

Complete if Known

Application Number	10/764,788
Filing Date	January 26, 2004
First Named Inventor	Edward L. Gibbs
Examiner Name	
Art Unit	
Attorney Docket No.	016

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ **Extra Sheets** _____ **Number of each additional 50 or fraction thereof** _____ **Fee (\$)** _____ **Fee Paid (\$)** _____
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)** _____
Other (e.g., late filing surcharge): petition fee _____ **1370**

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 28891	Telephone 405-239-6444
Name (Print/Type)	Gary Peterson		Date 5/21/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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